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A. Nos.4413 and 4414 of 2025

in

C.S. No.189 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

A. Nos.4413 and 4414 of 2025

in

C.S. No.189 of 2025

Rev. S. Andrews Vasudevan

Pastor – IELC,

Representing St. Thomas Lutheran Church – IELC,

No.21, Scheme Road, Teynampet,

Chennai Circle – Ambur Synod.

... Applicant / Proposed

Defendant in A. No.4413 of
2025

D. Dinesh Kumar S/o. D. Devendran

.... Applicant / Proposed

Defendant in A. No.4414 of
2025

Vs.

1. Jones Prasanna Doss S/o. Vedanayagam

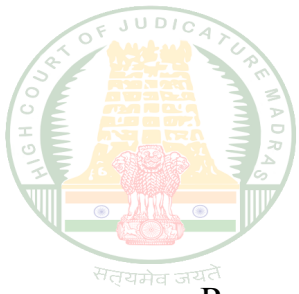
Joint Secretary Ambur Synod – IELC. ...

1st Respondent / Plaintiff.

[common in both applications]

2. The India Evangelical Lutheran Church

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Represented by its General Treasurer Cum Secretary,

3. The Chief Election Commissioner

P. Jesudas Prem Kumar

4. Synod Election Officer – Ambur,

J. Robert Asirvadam.

5. Synod Election Officer – Nagercoil,

R. Bennett Stephenson.

6. Synod Election Officer – Trivandrum,

S. Sanoj Shalom

... Respondents 2 to 6 / Defendants 1 to 5
[common in both applications]

COMMON PRAYER: These applications have been filed under Order XIV

Rule VIII of Original Side Rules read with Order I Rule 10(2)l of Civil

Procedure Code praying to implead them as the proposed parties / defendants

in C.S. No.189 of 2025.

In both applications:

For petitioner : Mr. D. Baskar

For Respondents:

R1 Mr. V. Anand

R2 to R6 Mr. Ravikumar Paul, Senior Counsel.

For M/s Paul and Paul



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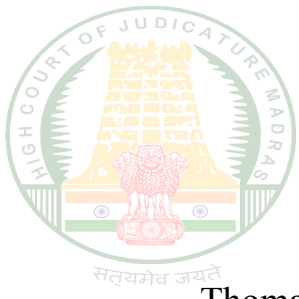
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COMMON ORDER

The Application in **A. No.4413 of 2025** has been filed by the applicant namely Rev. S. Andrews Vasudevan, who is the present Pastor – IELC of St. Thomas Lutheran Church, Teynampet, Chennai Circle – Ambur Synod to implead him as defendant in the Suit. The application in **A. No.4414 of 2025** has been filed by one D. Dinesh Kumar, President of Naether Memorial Luthern Church under the IELC – Ambur Synod to implead him as defendant in the Suit.

2. According to the applicant in **A. No.4413 of 2025**, the 1st respondent / Plaintiff has filed a Suit to declare that the appointment of the respondents 3 to 6 as Election Officers on 09.10.2024 by the 2nd respondent as null and void, to declare the final list of eligible deligate and nominees and to grant a mandatory injunction directing the 2nd respondent to hold elections to its three synods and 15 circlces as per the registered Constitution and Bylaws of the 2nd respondent. The applicant Rev. S. Andrews Vasudevan is a Pastor of St.

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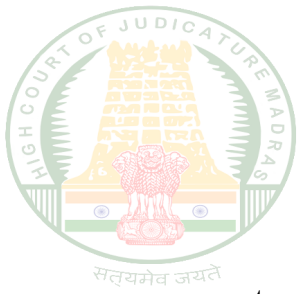
Thomas Lutheran Church, Chennai and he has been elected as Executive

Committee Member of Ambur Synod in the election conducted by the interim

Administrator and his tenure ends by 31.10.2025.

2.1. In pursuant to the notification dated 05.07.2025 issued, delegates, contestants and voters were elected unanimously and the same was communicated to the 2nd respondent by a letter dated 27.07.2025. The applicant Rev. S. Andrews Vasudevan was nominated for Synod Executive Committee Member and also for Delegate for IELC Convention. However, the name of the Church was omitted from the list published on 12.07.2025. Thereby, he made a representation dated 29.07.2025 and subsequently, revised list was published on 09.08.2025 and the applicant's Church was included in the list and the applicant Rev. S. Andrews Vasudevan was included in the Synod Executive Committee, however, in the IELC Convention Delegates Committee member list, his name was omitted. Per

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contra, Mr. A. Rajesh Kumar was included in the IELC Convention Delegates

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list. There is no such person by such name was sponsored by the concerned Church. Thereafter, final list was published on 12.08.2025, in which, the same error was crept in. One A. Rajesh Kumar was included instead of J. Rajesh Kumar. In the Convention Delegates list, name of J. Rajesh Kumar was mentioned. Thereafter, when he raised an issue regarding the same on 16.08.2025, a revised final list was published and his name was included and in the IELC Convention Delegate Mr. J. Rajesh was included. Again as the anamoly was continued to crept in the 2nd respondent, a letter dated 25.08.2025 calling for a meeting on 28.08.2025. Immediately the applicant sent an email and also a detailed representation dated 27.08.2025 to the 2nd respondent. There are many irregularities by the respondents 2 to 6 in setting the voters list. Therefore, the right of the applicant in participating the election has been deprived and a great prejudice will be caused if the election is conducted by the respondents 2 to 6. Therefore, he is necessary and

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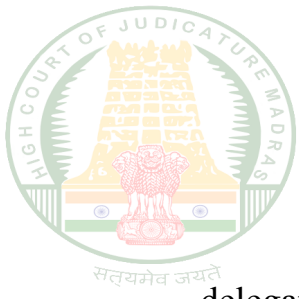
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appropriate party to the proceedings. Hence, he has filed this application to

implead him as a party in C.S. No.189 of 2025.

3. According to the applicant in **A. No.4414 of 2025** namely D. Dinesh Kumar, he is the President of Naether Memorial Luthern Church and he comes under the IELC - Ambur Synod. In spite of repeated requests, the Church does not have regular Pastor and service is conducted through a Pastor - Probationer. While so, Mr. Nareshkumar, Rev. V. Premkumar (Circle President) and Synod President Rev. Immanuel Sabathy have never allowed the elected persons and majority members to function peacefully. In pursuant to the election notification dated 05.07.2025, the general body convened with members, they had sent a list of delegates for Ambur Circle. On 05.08.2025, the 3rd respondent published a list of eligible candidates. In respect of Ambur Circle, name of Mr. B. Santhakumar was also notified. Thereafter on 09.08.2025, a revised list was published in which none of the name of the



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delegates sent by the Church was listed. Per contra, names of other nominees

were mentioned. Though objections were raised, a final list dated 12.08.2025

was published without any changes and again on 15.08.2025, a revised final

list was published. In the list, the reason for non-inclusion of Mr. B.

Santhakumar was mentioned. It has been stated that the annexure form was

signed only by the President and Secretary. Such a convention is not only

totally wrong, but also contradictory, because, the Church has no Pastor and

the Treasurer has not supported the majority view. Therefore, on 17.08.2025,

they made a representation. There are many irregularities committed by the

respondents 3 to 6 in settling the voters list, through which, right of the

applicant in participating the election has been deprived. The applicant will

be greatly prejudiced if the election is conducted by the respondents 3 to 6.

Therefore, he is a proper and necessary party to the Suit and hence, he has

filed this application.



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4. The 4th respondent has filed a detailed counter stating that the applications filed by the applicants are motivated, lacks bonafide and is an abuse of process of Court and the applicants have suppressed the material facts. The applicants are neither proper nor necessary parties to the Suit. Even without their presence, the claim of the 1st respondent / Plaintiff can be decided. The applicants, who came with unclean hands, are not entitled to any relief. The applicants are in regular habit of disturbing the smooth functioning of the 2nd respondent and their intention is only to create disturbances in the election process without any basis. These applications have been filed at the instance of the 1st respondent / Plaintiff as the 1st respondent lost in the election for delegates has persuaded the applicants to file these impleading applications with sole intention to create disturbances in the smooth election process.

4.1. In fact, the applicant Rev. S. Andrews Vasudevan along with other



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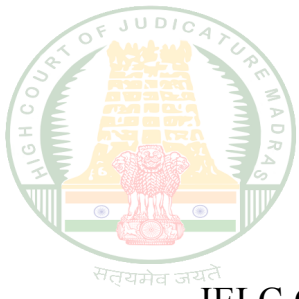
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Church Committee members has sent a list of voters and nominations on

27.07.2025. Thereafter, the applicant along with other Church Committee members have sent list of delegates for contesting IELC convention including the name of Mr. J. Rajeshkumar, who is the Secretary of Church committee as delegate for IELC Convention. The said list was signed by the applicant and Church Committee members on 07.08.2025. Thereafter, on 10.08.2025, the applicant submitted a duly signed form for withdrawal of his nomination as delegate in IELC Convention.

4.2. It is true that the applicant's Church was omitted from the list published on 12.07.2025 and subsequently, a revised list was published on 09.08.2025, where the applicant's name was included in the Synod Executive Committee Member list. Therefore, the applicant cannot have grievance. In fact, the applicant along with other members of the Church Committee of congregation had sent voters and delegates list on 27.07.2025, wherein the applicant's name was nominated as a delegate in the list of members to the



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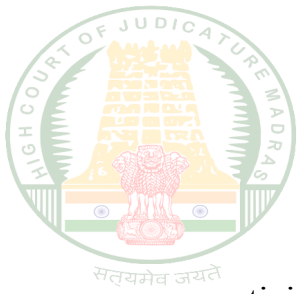
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IELC Convention. Thereafter, the applicant himself along with other Church

Committee members had sent the name of one J. Rajeshkumar, who is the Secretary of the Church as a delegate for the IELC Convention and the applicant has given his withdrawal for nomination as delegate in IELC convention on 10.08.2025.

4.3. Meanwhile, the revised list was published on 09.08.2025 and the name of J. Rajesh Kumar has been correctly mentioned and the list was published on 12.08.2025. Thereafter the 3rd respondent had sent a letter dated 25.08.2025 to the congregations and called for a meeting to address complaint regarding false withdrawals in Ambur Synod. The applicant has also sent a letter dated 27.07.2025 to the respondents 3 and 4 to include his name to contest for IELC convention delegation. In that letter, the applicant has not raised any issue regarding false withdrawal, but only requested to include his name as delegate for IELC convention. Thereafter, the applicant

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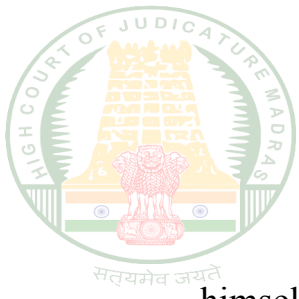
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participated in the meeting held on 28.08.2025 at Ambur to verify some complaints received regarding false withdrawals. In the said meeting, the applicant was deliberately signed for withdrawal of Mr. J. Rajeshkumar as delegate for IELC convention without authority and without the consent of the said Mr. J. Rajeshkumar and asked to include his name as delegate for IELC convention and the same was denied, since the said J. Rajeshkumar has not withdrawn his nomination as delegate for IELC.

4.4. There are some typographical errors in the voters list and the final list was published on 12.08.2025 after rectifying errors and a revised final list was published on 16.08.2025. The 2nd respondent has no role in the preparation of voters list. The entire process was conducted strictly in accordance with the prescribed rules and procedures, ensuring transparency. The proposed parties' right to participate in the election was not deprived by any act or omission on the part of respondents 2 to 6. In fact, the applicant

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himself withdrew his nomination. Therefore, he is neither a necessary nor

proper party to the proceedings.

4.5. As far as the applicant D. Dinesh Kumar is concerned, the applicant is not a President of Naether Memorial Luthern Church. In fact, one Mrs. Beula Ernest made a complaint to the Ambur Circle against the applicant who was the then President of Naether Memorial Church and against one Mr. B. Santhakumar, the then Secretary of Naether Memorial Church. Based on the complaint, the applicant and the said B. Santhakumar were temporarily suspended on 25.05.2025 by resolution unanimously passed in elder's meeting and one Mr. Nirmal Kumar was appointed as a temporary President and Mr. T. Johnpunithakumar as temporary Secretary in their places and the temporary suspension of the applicant and Mr. B. Santhakumar was announced in the congregation based on recommendation of the circle executive committee.



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4.6. No objections were raised against their suspension. On the date of election notification, the applicant was under suspension and general body was convened by the Naether Memorial Church. It is true that eligible candidates list was published on 05.08.2025 and the name of Mr. B. Santhakumar was also find place in the list. Thereafter, a letter was sent by Mr. Nareshkumar, Treasurer circle Secretary of the Naether Memorial Church and brought to the knowledge about the suspension of the B. Santhakumar and FIR and CSR lodged against him and to reject his nomination. Thereafter, a letter was also sent on 08.08.2025 by the Church Committe of Naether Memorial Church bringing about the suspension of the applicant and the said B. Santhakumar and requested not to include the name of the candidates who sent list individually without the signature of office bearers. Thereafter, the name of B. Santhakumar was removed in the revised list published on 09.08.2025 and final list published on 12.08.2025. The applicant has no locus standi to file this application. The applicant is neither a

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necessary nor a proper party to the Suit. Hence both the applications are

liable to be dismissed.

5. Heard both sides and perused the entire materials available on record.

6. These applications have been filed by the applicants to implead them as defendants in the Suit by alleging some irregularities in the election process. Though the 4th respondent has filed a detailed counter objecting to implead the applicants as defendants in the Suit, they admitted that the applicant in A. N.4413 of 2025 namely Rev. S. Andrews Vasudevan has contested in the election as delegate in the list of members to the IELC convention. Thereafter, the applicant himself along with other Church Committee Members has sent the name of one J. Rajeshkumar, who is the Secretary of the Church, as delegate for the IELC Convention and the applicant has given his withdrawal for nomination as delegate in IELC



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convention on 10.08.2025. Therefore, those facts cannot be decided at this

stage and only after full trial, they have to be decided.

7. Since the applicant namely Rev. S. Andrews Vasudevan was nominated as a delegate in the list of Members to the IELC convention and the same was also admitted and the Suit has been filed in respect of the election, he is a proper and necessary party.

8. As far as the applicant in A. No.4414 of 2025 namely D. Dinesh Kumar is concerned, he made some allegations in respect of the procedures and irregularities in conducting the election and his name was also earlier find place in the list and thereafter, it was removed and the same is also to be decided after full trial. Therefore, he is also proper and necessary party to the Suit. Therefore, by impleading these applicants, no prejudice would be caused to the other side. Per contra, if the applicants are not allowed to be



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impleaded, the rights of the applicants will be prejudiced. Therefore, both the

applicants are proper and necessary parties to the Suit.

9. In view of the above said discussions, this Court is of the opinion that these applications are to be allowed.

10. Accordingly, both the applications are **allowed**. There shall be no order as to costs.

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P.DHANABAL.,J

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